

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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RICHARD L. JOHNSON,

Plaintiff,

v.

ERIC HOWARD, *et al.*,

Defendants.

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Case No. 1:96-CV-662

Hon. Richard Alan Enslen

**ORDER**

Plaintiff Richard L. Johnson, acting *pro se*, has filed a letter motion requesting that the Court reconsider earlier Orders denying requests by Johnson for miscellaneous relief against his former attorney and the Receiver. Plaintiff earlier appealed such Orders by Notice of Appeal filed on April 20, 2006. Given the filing of the Notice of Appeal, the Court lacks jurisdiction to grant reconsideration and/or relief pursuant to Federal Rule of Civil Procedure 60. *Post v. Bradshaw*, 422 F.3d 419, 421-22 (6th Cir. 2005). However, the Court retains the ability to inform the Sixth Circuit Court of Appeals whether it is inclined to grant such relief should the Court of Appeals remand for the purpose of such relief. *See Id; First Nat'l Bank of Salem, Ohio v. Hirsch*, 535 F.2d 343, 346 (6th Cir. 1976). Given this context, the Court interprets Plaintiff's letter motion as a request for relief under the *Hirsch* procedures.

So interpreted, the letter motion is denied. The Court has already denied multiple motions seeking the same relief. Plaintiff's previous voluntary payment of monies to his attorney and the Receiver was legally proper and should not be disturbed.

**THEREFORE, IT IS HEREBY ORDERED** that Plaintiff Richard L. Johnson's letter Motion for Reconsideration (Dkt. No. 451) is **DENIED**.

Dated in Kalamazoo, MI:  
July 26, 2006

/s/Richard Alan Enslen  
Richard Alan Enslen  
Senior United States District Judge